

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

Tony Fountain #152157  
Plaintiff,

VS.

548  
Civil Action No. 2:06-CV-545-  
M.H.T.

Dr. Peasant, et al  
Defendants.

LEAVE TO PRESERVE THE RIGHT TO FILE  
A MOTION OF OPPOSITION TO THE SPECIAL  
REPORTS OF THE DEFENDANTS OF NOV. 6<sup>th</sup> & 7<sup>th</sup>  
2006.

Comes now, Tony Fountain, by and through himself herein makes this Court to allow him the opportunity (Rights) to file a Motion of Opposition in Response to the defendants Special Reports of November 6<sup>th</sup>, & 7<sup>th</sup> 2006. Plaintiff contends the following facts in support of this Motion to wit:

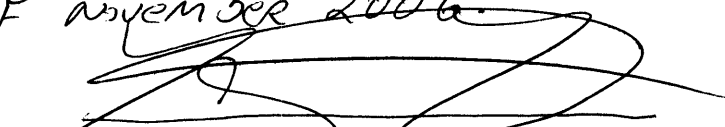
1. Plaintiff maintain his original claims and arguments in his Complaint.
- 2) Plaintiff contends the defendants omitted from their Special Report, the most important documents, the Colonoscopy Examine test,

OF November 8<sup>th</sup> 2006. And is the Most Relevant documents that would aid this Court in its determination. Because it shows the plaintiff was not over reacting when he said he was seeing blood in his stool. The documents submitted by the defendants don't address the issues presented in the plaintiff Complaint before this Court and are irrelevant to the issues at hand.

3). plaintiff contends he should be provided with the opportunity to present evidence, argument, representation if desired, and information as to claims of the opposing party's, with a reasonable opportunity to controvert the claims of the defendants in their special reports of November 6<sup>th</sup> & 7<sup>th</sup> 2006. In which he didn't receive the special report of Dr. Pedant until November 9<sup>th</sup> 2006. Pike v. Southern Bell Telephone & Telegraph Co, 263 Ark. 59, 81 So.2d. 254 (1955), Pennsylvania v. Finley, 481 U.S. 551.

Wherefore, plaintiff, prays that (E) his motion be granted as law and justice requires.

Done this 10<sup>th</sup> day of November 2006.

  
Tony Fountain, PRO SE

## CERTIFICATE OF SERVICE

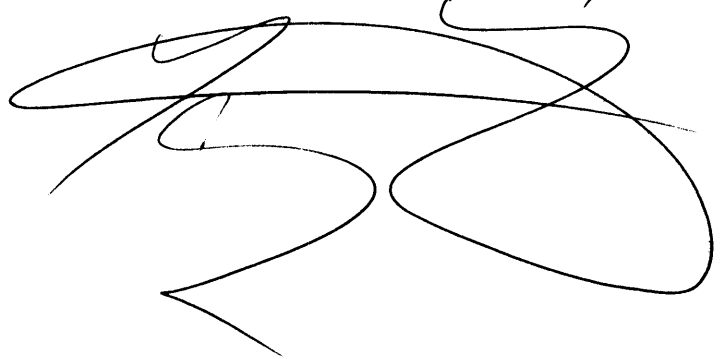
I, hereby, certify, that I have served a true and correct copy of the foregoing as addressed:

OFFICE OF THE ATTORNEY GENERAL  
11<sup>th</sup> South Union Street, Montg.  
Al. 36130.

Porterfield, Harper, Mills & Motlow, P.A.  
22 Inverness Center Parkway, Suite 600  
P.O. Box 530790, Birmingham, Al. 35253-  
0790.

by placing the same in the U.S. Mail prepaid  
on this 10<sup>th</sup> day of November 2006.

Sincerely

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.